

AMANDA N. FERNS, Bar No. 233104
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Attorneys for Creditor
DIRECT CAPITAL CORPORATION

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: CASE NO. 19-30625
JEFFREY E DEWEESE dba JEFFREY E Chapter 13 Proceeding
DEWEESE, OBJECTION TO CONFIRMATION
Debtor. SECOND AMENDED PLAN

(11 U.S.C. §1325, BLR 3015-1)

TO DEBTOR JEFFREY E DEWEESE dba JEFFREY E DEWEESE, DEBTOR'
ATTORNEY OF RECORD (IF ANY), AND TRUSTEE David Burchard:

COMES NOW DIRECT CAPITAL CORPORATION (hereinafter "Creditor")
who objects to the Confirmation of the Second Amended Chapter 13
Plan as proposed by the Debtor JEFFREY E DEWEESE dba JEFFREY E
DEWEESE on the following grounds:

1. Creditor is the holder of a **SECURED CLAIM** in the within
bankruptcy proceeding. The balance due on the Claim is at least:
\$211,381.63 not including interest and other fees and costs. The
Debtor has valued the personal property security:

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| Equipment Schedule | Equipment Description |
|--------------------|--|
| DCC-0717878 | (1) 105-7012-000 Picosure Laser System, serial # PICO0161; |
| DCC-0766265 | (3) HP 23" Windows Touchscreen Camera with Vectra Wall Mount #TMD60002A; (2) Samsung Galaxy Android Camera - White Body SAMGXYWHT # TMD70001A; (1) Samsung Galaxy NX 20.3MP Camera and 18-55mm Lens with Android for Touch MD, 20.3 MM 16gb, Black, #TMD70002A; (2) Base, Pwr Prog Table 641 Programmable Midmrk, #629382; (2) Table Power Proc W/rotation Midmrk, #83068; (4) Table Top 641 Fossil, #002-0968238; (4) Arm Chair, Ultra Upholstery 541 Fossil, #SA398001238; (1) Base, Caster F/830 Power Table Midmrk, #525189; (2) Headrest, U-Shaped Prem Fossil, #9A384001235; (2) Headrest, Magnetic Prem Fossil, #8A395001238; (4) Control, Hand Linear F/ible "factory Installed" Midmrk, #529990; (4) Stool, Exam Sleg Airlift Fossil, #272-001-238; (1) VIOSIA-6 Delux Kit; |
| DCC-1148985 | (1) Smartlipo TPX 40/24/15, #105-0058-810, (1) Smartskin C02 Laser System, #105-0075-000 |
| DCC-0946859 | (1) 105-3500-00 Vectus Laser System w/accessories |

(hereinafter referred to as "personal property") at: \$210,000.00 through a Motion to Value Personal Property Collateral.

2. Creditor objects to the monthly adequate protection amounts for the aforementioned personal property. According to the Debtor's Second Amended Chapter 13 Plan adequate protection payments shall equal the monthly dividend and the Debtor lists the Monthly Dividend for Direct Capital in the amount of \$4,400.00.

3. Pursuant to 11 U.S. Code §361 adequate protection can be cash monthly payments for the decrease in the value of the Creditor's interest in the property. In this case the Debtor has no interest in the equipment and therefore any depreciation equates to the decrease in Creditor's interest in the personal property.

4. As more particularly described in the Declaration of

1 Amanda N. Ferns being filed in support of this objection, Creditor
2 can show that the decrease in the value of the personal property is
3 between \$9,812.11 and \$10,636.10 with the average being \$10,224.11.
4 Therefore Creditor objects to the Debtor's Second Amended Chapter
5 13 Plan because monthly depreciation is \$10,224.11 and therefore
6 that should be the adequate protection amount. and

7 5. The Plan does not provide for adequate insurance, with
8 the Creditor listed as Loss Payee, on the aforementioned personal

9 WHEREFORE, Creditor prays of the Court to make its order
10 denying confirmation of the Debtor' Chapter 13 Plan, and dismiss
11 the Chapter 13 case, in the alternative, convert the case to a case
12 under Chapter 7 of the Bankruptcy Code.

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14 Respectfully Submitted,

15 Dated: September 3, 2019

FERNS, ADAMS & ASSOCIATES
A Professional Corporation

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18
19 /s/ Amanda N. Ferns
20 AMANDA N. FERNS
Attorneys for Creditor
DIRECT CAPITAL CORPORATION

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On September 4 2019, I served a true and correct copy of:

OBJECTION TO CONFIRMATION SECOND AMENDED CHAPTER 13
PLAN AND DECLARATION OF AMANDA N. FERNS IN SUPPORT
OF OBJECTION TO CONFIRMATION OF SECOND AMENDED PLAN

on the parties in this proceeding by placing a true copy thereof
enclosed in a sealed envelope with postage fully prepaid in the
United States mail at Walnut Creek, California addressed as
follows:

CHAPTER 13 TRUSTEE

David Burchard
P.O. Box 8059
Foster City, CA 94404

UNITED STATES TRUSTEE

U.S. Trustee
Office of the U.S. Trustee / SF
Phillip J. Burton Federal Building
450 Golden Gate Ave. 5th Fl., #05-0153
San Francisco, CA 94102

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

/s/ Maricel Makalintal
Maricel Makalintal